

Appl. No. : 10/647,801
Amendment dated September 13, 2004
Responsive to Office Action dated August 11, 2004

Remarks

Claims 1-5, 10, 12-16, 18-22 and 29-71 are pending. Claims 6-9, 11, 17 and 23-28 have been canceled, claims 1-5, 10, 12-16 and 18-21 have been amended and new claims 29-71 have been added in response to the Examiner's restriction.

In an Office Action dated August 11, 2004, the Examiner imposed a restriction requirement between: Group I covering claims 1-8 and 11, drawn to sphingolipid derivatives; Group II, covering claims 9, 10, 12-16 and 18-22, drawn to the treatment of proliferative disorders and modulating enzymes comprising administering a compound of group I; Group III, covering claim 17, drawn to triggering release of cytochrom C comprising administering a set of compounds; and Group IV, covering claims 23-28, drawn to the treatment and/or prevention of microbial infections.

Applicants hereby elect Group II, drawn to methods of treating proliferative disorders with sphingolipid compounds encompassed in Group I. The claims have been amended in view of this election. Claims 6-9, 11, 17 and 23-28 have been canceled, claims 1-5, 10, 12-16 and 18-21 have been amended and new claims 29-71 have been added to more clearly define the elected subject matter.

Applicants note that the method claims as amended cover the use of compounds which are the subject of the issued claims of the parent U.S. Patent No. 6,610,835.

The Examiner has also imposed a species election on claims 1, 2, 5-8 and 11. Although the claims have been amended to recite methods of treatment, Applicants respond to the election insofar as it is applicable to the amended claims. The Examiner has required election of a species based on a generic definition of R². Applicants elect "carbohydrate" as a generic species and have canceled claim 2 and amended claims 5, 10 and 12- 16 in response to the election.

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Applicants do not believe any additional fees are due with this response, however, the Commissioner for Patents is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 11-0980.

Respectfully submitted,



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